IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

-

WRIT PETITION NO : 9544 of 1995

Between:

D.KISTAIAH S/O D.MALLAIAH, TYPIST (NMR),

O/O:DISTRICT MANAGER, A.P. STATE HOUSING

CORPORATION, DISTRICT BRANCH, KARIMNAGAR.
R/O MALLARAM VILLAGE MALHAR MANDAL
KARIMNAGAR DIST

..... PETITIONER

AND

1 THE MANAGING DIRECTOR A.P.STATE HOUSING CORPORATION

LTD., HYDERBAD.

2 THE DISTRICT MANAGER(HOUSING) A.P.STATE HOUSING

CORPORATION LTD. DISTRICT BRANCH, KARIMNAGAR,

KARIMNAGAR DIST.

3 THE DISTRICT COLLECTOR/EXECUTIVE DIRECTOR A.P.STATE

HOUSING CORPORATION LTD. DISTRICT BRANCH,

KARIMNAGAR.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of "writ of mandamus "declaring the action of the first respondent in issuing the impugned progs.No.A5/2032/95 dt.25-4-95 is as arbitrary and illegal, with out jurisdiction and violation of principals of natural justice and consequently direct the respondents to reinstate and continue the petitioner in service forth with by paying the salary and other allowances attached to the post.

Counsel for the Petitioner: MR.C.NARENDER

Counsel for the Respondent Nos.1 to 3: MR.V.CH.NAIDU

S.C. FOR A.P. STATE HOUSING CORPORATION.

The Court made the following :

O R D E R

The petitioner filed this writ petition with the following prayer:

> "Honourable Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of "writ of mandamus "declaring the action of the first respondent in issuing the impugned progs.No.A5/2032/95 dt.25-4-95 is as arbitrary and illegal, with out jurisdiction and violation of principles of natural justice and consequently direct the respondents to reinstate and continue the petitioner in service forth with by paying the salary and other allowances attached to the post and pass such other or further orders"

The petitioner was appointed as typist on N.M.R. basis in the respondent corporation. By proceedings dated 25.04.1995 of the 1st respondent, the petitioner was removed from service on the ground that a case in Crime No.107/1995 for the offences under Sections 420, 507 and 509 IPC was registered against him by the police and he was lodged in the District Jail, Karimnagar. Challenging the said order, the present writ petition is filed on the ground that no enquiry whatsoever was held before the order was passed.

When the matter is taken up today, learned counsel for the respondents submitted that in view of the interim orders passed by this court during the pendency of the writ petition, the petitioner has been in fact working in the Corporation. The learned counsel, therefore, submitted that the writ petition may be allowed granting liberty to the respondents to initiate appropriate proceedings by way of a departmental enquiry against the petitioner.

In the circumstances, the writ petition is allowed. However, the respondents are at liberty to proceed against the petitioner in accordance with law, if they are so advised.

JUSTICE J.CHELAMESWAR

25TH NOVEMBER, 2004

PGS

To

1 THE MANAGING DIRECTOR, A.P.STATE HOUSING CORPORATION LTD., HYDERBAD.

2 THE DISTRICT MANAGER(HOUSING) A.P.STATE HOUSING CORPORATION LTD. DISTRICT BRANCH, KARIMNAGAR, KARIMNAGAR DIST.

3 THE DISTRICT COLLECTOR/EXECUTIVE DIRECTOR A.P.STATE HOUSING CORPORATION LTD. DISTRICT BRANCH, KARIMNAGAR DIST.

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THE HON'BLE MR JUSTICE J.CHELAMESWAR

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